

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amended Sections 550, 551 and 552
Title 14, California Code of Regulations
Re: Regulations for Hunting and Other Public Uses on State and Federal Areas

- I. Date of Initial Statement of Reasons: May 15, 2002
- II. Dates and Locations of Scheduled Hearings:
- | | | | |
|-----|---------------------|-----------|------------------|
| (a) | Notice Hearing: | Date: | May 9, 2002 |
| | | Location: | Fresno |
| (b) | Discussion Hearing: | Date: | June 20, 2002 |
| | | Location: | South Lake Tahoe |
| (c) | Adoption Hearing: | Date: | August 2, 2002 |
| | | Location: | San Luis Obispo |
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. Need to change the name of the Cordelia Slough Unit of the Grizzly Island Wildlife Area to the Garibaldi Unit In Sections 550 and 551.

Subsection 550(a)(37), and Subsections 551(q), and 551 (q)(46) currently list the unit as the Cordelia unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit of the Grizzly Island Wildlife Area. The proposed name change would recognize the Commission's June 17, 1994 action.
 2. Need to add a unit to the Grizzly Island Wildlife Area in Sections 550 and 551.

Subsection 550(a)(37)and Subsections 551(q),and 551(q)(46) would be amended to add the West Family Unit as a Type B area to the Grizzly Island Wildlife Area. The West Family Unit is a new unit of the wildlife area and will be managed as a Type B area.

3. Need to add the Hollenbeck Canyon Wildlife Area to Sections 550 and 551.

Currently public uses on the Hollenbeck Canyon Wildlife Area are covered under Subsection 550 (b)(1)(Regional Manager's Authority). The Fish and Game Commission designated the area as Hollenbeck Canyon Wildlife Area at its October 5, 2001 meeting in San Diego.

Subsections 550(a)(41), 551(q), and 551(q)(71) would be added to the regulations to add the Hollenbeck Canyon Wildlife Area to these listings to permit and regulate public use on the wildlife area.

Subsections 551(q)(71)(A) through (G) would be added to encourage and regulate appropriate public use on the Hollenbeck Canyon Wildlife Area.

4. Need to designate Rhode Island as a Type C State Wildlife Area, and to add the area to Sections 550 and 551.

Subsection 550(a)(79) would be added to designated Rhode Island, located in Contra Costa County, as the Rhode Island Wildlife Area. The property was acquired by the Department in 1981. Currently public use occurs on the land, but is not subject to regulation under the provisions of Title 14.

Subsections 551(q), and 551(q)(35) would be added to the regulations to add the Rhode Island Wildlife Area to the listing to permit and regulate public use on the wildlife area.

5. Need to designate West Bear Creek, and Freitas as units of the San Luis National Wildlife Refuge in Section 551(a)(2)(F)

Subsection 551(q)(a)(2)(F)(San Luis National Wildlife Refuge) would be amended to include the West Bear Creek, and Freitas Units as part of the San Luis National Wildlife Refuge. These units have always been a part of the refuge and included in section 552(a)(6) of the regulations. The amendment corrects this inadvertent omission.

6. Need for Minor Changes to Sections 550, 551, and 552 to Provide Greater Clarity, Necessary Use Restrictions, and increased Public Use Opportunity Where Possible.

Section 550

Subsection 550(b)(20)(Possession and Use of Alcohol). The existing regulations permit the Department to eject any person from a state wildlife area for intoxication. However, the regulations do not address the possession and use of alcohol on State and Federal Areas. Staff sometimes encounter hunters and other recreational users returning from the field to parking areas and hunter checking stations smelling of alcohol and on some occasions appearing to be intoxicated. The regulations would be amended to add this section clearly stating that no person shall possess or use alcohol while in the field hunting or engaged in other authorized recreational activities on any State wildlife area or Federal wildlife refuge. For the purposes of this section, "in the field" would be defined as all areas except checking stations and designated parking areas. The amendment would also bring the regulations into consistency with similar Federal regulations prohibiting the Possession and use of alcohol in the field on Federal wildlife refuges.

Section 551

Subsection 551(a)(2)(F)(San Luis National Wildlife Refuge) would be amended to include the West Bear Creek, and Freitas Units as part of the San Luis National Wildlife Refuge. These units have always been a part of the refuge and included in section 552(a)(6) of the regulations. The amendment corrects this inadvertent omission.

Subsection 551(a)(2)(G)(Sonny Bono Salton Sea National Wildlife Refuge). The existing subsection has a misspelling. The regulation would be amended to correct the spelling of Impaerial to Imperial.

Subsection 551(f)(Requirements for Entry Permits and Trespass). The existing regulation states that entry must be made at locations designated by the department. The regulation would be amended to clarify that both entry and exit must be made at locations designated by the department.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list the Hollenbeck Canyon Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations). The Fish and Game

Commission designated the area as Hollenbeck Canyon Wildlife Area at its October 5, 2001 meeting in San Diego. Subsections 551(q)(71)(A) through (G) would be added to encourage and regulate appropriate public use on the wildlife area.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list Rhode Island Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations). The Department acquired the property in 1981. Subsections 551(q)(35)(A) through (E) would be added to encourage and regulate appropriate public use on the wildlife area.

Subsection 551(q)(17)(D)(1)(Tehama Wildlife Area). The existing regulation permits year-round use of the campgrounds on the wildlife area. The regulation would be amended to prohibit users from entering that portion of the wildlife area south of Antelope Creek during the period beginning on the first Monday in December through the last Friday in March except with the prior written permission of the regional manager. The department has determined that adequate camping and motel facilities are available to potential users during the subject closed period. The amendment will increase hunter opportunity by opening up more of the wildlife area to turkey hunting. The change also reduces disturbance to wintering deer during the breeding season.

Subsection 551(q)(33)(E)(Oroville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change allowing only paper targets was adopted by the Commission at its August 2001 meeting in order to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range by users. The department did not intend to prohibit the use of clay targets. The amendment to the regulation would once again permit the use of clay targets which are a generally accepted target at most outdoor ranges.

Subsection 551(q)(35)(A), (B), (C), (D) and (E)(Rhode Island Wildlife Area) would be added to the regulations to permit the department to regulate public uses on the wildlife area not covered by the general regulations. Currently the department has no Title 14 regulatory authority to promote and regulate public use on the Rhode Island property. The addition of the proposed regulations would allow the Department to establish method of take restrictions, because of the areas small size (64 acres). The use of rifles and pistols would not be allowed. Shot guns would not be a

prohibited method of take and could be used for the take of waterfowl, coots, and moorhens daily, during open seasons. The proposed regulations would also prohibit camping and construction of structures on the Island which is accessible only by boat.

Subsection 551(q)(38)(D)(Spenceville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change allowing only paper targets was adopted by the Commission at its August 2001 meeting in order to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range by users. The department did not intend to prohibit the use of clay targets. The amendment to the regulation would once again permit the use of clay targets which are a generally accepted target at most outdoor ranges.

Subsections 551(q)(46)(B), (D), and (F)(Grizzly Island Wildlife Area) would be amended to add reference to the West Family Unit in the regulations for the Grizzly Island Wildlife Area. The West Family Unit is a new unit of the wildlife area and will be managed as a Type B wildlife area.

Subsection 551(q)(46)(B), and (F)(Grizzly Island Wildlife Area)(Garibaldi Unit). The existing regulations list the unit as the Cordelia unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit. The regulation would be amended to change the name of the unit to the Garibaldi Unit.

Subsection 551(q)(46)(F)(Grizzly Island Wildlife Area). The existing regulation lists waterfowl hunt days and closure periods for certain units of the wildlife area with the same subject dates in separate sentences. The regulation would be amended to clarify and simplify the language by deleting certain regulatory language and sentences in the regulation and combining the reference language into other existing language that addresses units of the wildlife area managed in the same manner. The existing regulation refers to the “general waterfowl season” which is sometimes confusing to hunters. The regulation would be amended to delete “general” from the language to clarify that waterfowl season now includes special youth hunt days, which are held one week after the general waterfowl hunt season closes. The existing regulation refers to the use of dogs only during organized field trials, but does not specify when dogs are allowed on the area or are prohibited.

The regulation would be amended to clarify when dogs and/or dog training is allowed on the wildlife area. Sight-hounds or coursing dogs would not be allowed because staff have determined they disturb and are detrimental to wildlife. Sight hounds and coursing dogs are typically used to find, chase, and kill game. The regulation would prohibit users from bringing dogs onto the wildlife area during the ground nesting bird season which runs from March 1 through June 30. The regulation would be amended to close the Gold Hills, Goodyear Slough, Grey Goose, and West Family Units of the wildlife area, from all public use, except with prior written permission from the area manager, from the end of the waterfowl hunting season to September 30. These areas are remote from the wildlife area headquarters. General unrestricted public access cannot be managed properly with existing staff levels. The regulation would be amended to keep the Island Slough Unit of the wildlife area open to public use, excluding dogs, from the end of the waterfowl hunting season to September 30. Dogs must be excluded from Island Slough because the area is managed to protect and enhance suitable habitats for the endangered salt marsh harvest mouse. The existing regulation allows boats to be launched from the Grizzly Island Unit of the wildlife area. The regulation would be amended to prohibit launching boats from the unit because the launch area is in disrepair and unsafe to use. The regulation would be amended to prohibit the use of all terrain vehicles (ATV's) on all units of the Grizzly Island Wildlife Area. Staff have determined that the use of ATV's is detrimental to the sensitive peat soils and related habitats found on the wildlife area and have great potential to disturb other public users, particularly during hunting seasons.

Subsection 551(q)(60)(A)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Lower Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when shotguns may be used to take deer.

Subsection 551(q)(60)(A)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Lower Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to specifically prohibit vehicles

from being driven beyond the parking lot into the closed zone of the wildlife area.

Subsection 551(q)(60)(B)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Upper Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when shotguns may be used to take deer.

Subsection 551(q)(60)(B)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Upper Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to specifically prohibit vehicles from being driven beyond the parking lot into the closed zone of the wildlife area.

Subsection 551(q)(62)(A)(Little Panoche Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(63)(A)(Los Banos Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take". The regulation would also be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(63)(B)(Los Banos Wildlife Area). The existing regulation is unclear and does not specifically state that when the wildlife area is closed to all general public use, it is also closed to hunting, even if hunting seasons for certain species may be open elsewhere in California. The regulation would be amended to make it clear that when the Department closes the wildlife area to all public use, it is also closed to hunting. This clarification is needed because there are certain periods when portions of the wildlife area may be closed to all public uses except hunting.

Subsection 551(q)(63)(F)(Los Banos Wildlife Area). The existing regulation allows for up to three hunters to enter the Zone 6, 6J, and Mud Slough, hunting units under one reservation, if a three person blind site is available. Comfortable and safe three person blind sites are not always available on a consistent basis, causing confusion among hunters. The regulation would be amended to change and clearly set the number of hunters allowed to enter these blind sites under one reservation to two hunters in the following combinations: For the Zone 6 unit, two hunters. For Zone 6J, and Mud Slough units, one adult hunter and one junior hunter. The existing regulation is also not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Currently some parties will split up in order to use more than one blind site or area which displaces other arriving hunters. This conduct is unsportsmanlike and often causes hunter discontent and conflict in the field. The regulation would be amended to make it clear that hunters entering the wildlife area on the same reservation will receive the same specific hunt site assignment.

Subsection 551(q)(63)(G)(Los Banos Wildlife Area). The existing regulation states that the wildlife area is closed to all public uses from September 15 until the opening of waterfowl hunting season. General public users, particularly wildlife viewers, often become confused as to what portions of the area they are allowed to access once waterfowl season opens. The regulation would be amended to clearly state that the wildlife area will be closed during the waterfowl and pheasant hunting seasons to all public use, except for controlled hunting. The existing regulation which states that wildlife observation may be permitted on Saturdays, Sundays, and Wednesdays, during waterfowl season would not be amended.

Subsection 551(q)(65)(F)(North Grasslands Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Currently some party's will split up in order to use more than one hunt area which displaces other later arriving hunters. This conduct is unsportsmanlike and often causes hunter discontent and conflict in the field. The regulation would be amended to add this subsection to make it clear that hunters entering the wildlife area must have a Type A Permit to access the area. The regulation would also make it clear that hunters entering the area on the same reservation will receive the same specific hunt site assignment.

Subsection 551(q)(66)(A)(O'Neill Forebay Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(67)(A)(San Luis Reservoir Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(68)(A)(Volta Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take". The regulation would also be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(68)(D)(Volta Wildlife Area). The existing regulation limits camping and trailers to parking at the checking station parking lot during waterfowl season. However, the Department permits boat access on the wildlife area which requires hunters to drive past parking lot 1 to launch their boats at the designated area. The regulation would be amended to permit hunters with boat trailers to drive past parking lot 1 in order to launch their boats during waterfowl and pheasant seasons only. The regulation would also be amended to prohibit hunters from parking or stopping vehicles, except to launch a boat, between designated parking areas on the wildlife area for the purpose of gaining an unfair advantage over other hunters by dropping of passengers, decoys, and equipment in the hunt area before the area is officially opened to and to prevent the disturbance of hunters already in the field.

Subsection 551(q)(68)(F)(Volta Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Currently some party's will split up in order to use more than one area which displaces other later arriving hunters. This conduct is unsportsmanlike and often causes hunter discontent and conflict in the field. The regulation would be amended to change the subsection name from "Entry Permits" to "Reservations and Entry Permits", for added clarity.

The regulation would also make it clear that hunters entering the area on the same reservation will receive the same specific hunt site assignment.

Subsection 551(q)(71)(A), (B), (C), (D), (E), (F) and (G)(Hollenbeck Canyon Wildlife Area) would be added to the regulations to increase recreational opportunities for a range of public users by allowing the Department to regulate public uses on the wildlife area. Currently the Department regulates public use on the wildlife area through authority granted to the Regional Manager in subsection 550(b)(1)(Regional Manager's Authority). The addition of the proposed regulations would allow the Department to establish method of take restrictions, due to the areas close proximity to urbanized areas and ranch dwellings. The proposed regulations would prohibit the use of rifles and pistols, while at the same time allowing for the take of upland game birds and resident small game when in season. The proposed regulations would prohibit camping, and fires all year round because of the extreme fire danger conditions that exists in the area. The regulations would also provide for dog training on the wildlife area as set forth in Section 550, but would limit the possession and release of birds for dog training to male only ring-neck pheasants, bobwhite quail, mallard ducks with at least one clipped wing, and either-sex feral pigeons. The proposed regulations would also permit the Department to designate trails or routes on the wildlife area for equestrian and bicycle use access. Possession of paint ball guns and engaging in paint ball related recreational activities would be prohibited on the wildlife area because Paint ball activities are not considered compatible uses on wildlife areas.

Section 552

Subsection 552(a)(1)(D)(Colusa National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. However, the refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Although camping is not allowed on the refuge, hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear to persons remaining in the parking lot that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(1)(E)(Delevan National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. However, the refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Although camping is not allowed on the refuge, hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear to persons remaining in the parking lot that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(4)(B)(Merced National Wildlife Refuge). The existing regulation refers to waterfowl hunting as duck hunting. The regulation would be amended to clarify that waterfowl hunting includes species other than ducks.

Subsection 552(a)(4)(G)(Merced National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Currently some party's will split up in order to use more than one blind site or hunting area which displaces other later arriving hunters. This conduct is unsportsmanlike and often causes hunter discontent and conflict in the field. The regulation would be amended to add this subsection make it clear that hunters entering the wildlife area on the same reservation will receive the same specific hunt site assignment.

Subsection 552(a)(5)(E)(Sacramento National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. However, the refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Although camping is not allowed on the refuge, hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear to persons remaining in the parking lot that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(6)(C)(San Luis National Wildlife Refuge). The existing regulation restricts pheasant hunting on the Kesterson Unit to the free roam area designated along Highway 140. The regulation would be amended to reflect recent adjustments and changes made to the pheasant hunt program to make it more flexible. This change is necessary to provide needed management discretion in the selection of sites to prepare and maintain as habitat for pheasants. The regulation would also be amended to enable Department to designate hunting areas and days when pheasant hunting will be allowed.

Subsection 552(a)(6)(F)(San Luis National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Currently some party's will split up in order to use more than one blind site or hunting area which displaces other later arriving hunters. This conduct is unsportsmanlike and often causes hunter discontent and conflict in the field. The regulation would be amended to add this subsection make is clear that hunters entering the wildlife area on the same reservation will receive the same specific hunt site assignment.

Subsection 552(a)(8)(D)(Sutter National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. However, the refuge parking lot and checking station are open to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for the purpose of issuing first-come, first-served numbers to nonreservation hunters. Although camping is not allowed on the refuge, hunters that arrive the evening prior to the hunt are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear to persons remaining in the parking lot that tents, and open fires are not permitted on the refuge.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570, 1572, 1765, and 10504, Fish and Game Code.

Reference: Sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570-1572, 1585, 1764, 1765, 2006, and 10505, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:
None.
- (d) Identification of Reports or Documents Supporting Regulation Change:

Memorandum from the State Fish and Game Commission to the Director, dated June 27, 1994, authorizing the Department to accept a 270± acre land donation to be known as the Garibaldi Unit of the Grizzly Island Wildlife Area, Solano County.

Memorandum from the State Fish and Game Commission to the Director, dated October 12, 2001, designating 4,000± acres of Department lands as the Hollenbeck Canyon Wildlife Area, San Diego County.

Memorandum from the South Coast Region to the Lands and Facilities Branch, dated March 6, 2002, transmitting a Management Plan Summary, and proposed regulations for Hollenbeck Canyon Wildlife Area.

Memorandum from the Sacramento Valley - Central Sierra Region, dated March 4, 2002, proposing to designate 67 acres of land in Contra Costa County, a state wildlife area, to be known as the Rhode Island Wildlife Area. The document also includes a Management Plan Summary, and proposed regulations for the area.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:
- (f) "No public meetings are being held prior to the notice of publication". The proposed regulatory changes are not complex and there will be adequate time and at least two public Commission meeting opportunities for public review and discussion of the proposed regulatory changes during the adoption process

IV. Description of Reasonable Alternatives to Regulatory Action: Not applicable.

- (a) Alternatives to Regulation Change:

No alternatives were identified.

- (b) No Change Alternative:

A no change alternative was considered and rejected. A no change alternative would not be in the best interests of the public and would not provide optimum management of State wildlife areas. Changes proposed would provide

regulations that are more clear and that are necessary to protect wildlife resources and would assure orderly public uses.

- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: Hunting and other public uses on state and federal areas benefits local businesses because users utilize motels, restaurants, and sporting good stores.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required

to be Reimbursed Under Part 7 (commencing with Section 17500) of
Division 4: None

(h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

Existing regulations in sections 550, 551, and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Subsection 550(a)(37)(State Wildlife Areas). The existing regulation would be amended to change the name of a unit of the Grizzly Island Wildlife Area from the Cordelia Unit, to the Garibaldi Unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit of the Grizzly Island Wildlife Area.

Subsection 550(a)(37)(State Wildlife Areas) would be amended to add the West Family Unit as a Type B area to the Grizzly Island Wildlife Area. The West Family Unit is a new unit of the wildlife area and will be managed as a Type B area.

Subsections 550 (a)(41)(State Wildlife Areas) would be added to the regulations to designate the Hollenbeck Canyon Wildlife Area, located in San Diego County, as a Type C area to reflect the action taken by the Fish and Game Commission at its October 5, 2001 meeting in San Diego.

Subsection 550(a)(79) would be added to the regulations to designate Rhode Island, located in Contra Costa County, a Type C wildlife area. The property was acquired by the Department in 1981. Currently public use occurs on the land, but is not subject to regulation under the provisions of Title 14.

Subsection 550(b)(20)(Possession and Use of Alcohol). Existing regulations permit the Department to eject any person from a state wildlife area for intoxication. However, the regulations do not address the possession and use of alcohol on State and Federal Areas. The regulations would be amended to add a new section clearly stating that no person shall possess or use alcohol while in the field hunting or engaged in other authorized recreational activities on any State wildlife area or Federal wildlife refuge. For the purpose of this section, "in the field" is defined as all areas except checking stations and designated parking areas. The amendment brings the regulations into consistency with similar Federal regulations.

Subsection 551(a)(2)(F)(San Luis National Wildlife Refuge) would be amended to include the West Bear Creek, and Freitas Units as part of the San Luis National Wildlife Refuge. These units have always been a part of the refuge and included in section 552(a)(6) of the regulations. The amendment corrects this inadvertent omission.

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Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list the Hollenbeck Canyon Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations). The Fish and Game Commission designated the area as Hollenbeck Canyon Wildlife Area at its October 5, 2001 meeting in San Diego.

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Subsection 551(q)(33)(E)(Oroville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change was adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsection 551(q)(35)(A), (B), (C), (D), and (E)(Rhode Island Wildlife Area) would be added to the regulations to permit the department to regulate public uses on the wildlife area. The addition of the proposed regulations would allow the Department to establish method of take restrictions, prohibit use of rifles and pistols, and provide for the take of waterfowl, coots, and moorhens daily, during open seasons. The proposed regulations would also prohibit the camping and construction of structures on the Island which is accessible only by boat.

Subsection 551(q)(38)(D)(Spenceville Wildlife Area). The existing regulation permits that only paper targets may used at the target practice area. The change was

adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsections 551(q)(46)(B),(D), and (F)(Grizzly Island Wildlife Area) would be amended to add reference to the West Family Unit in the regulations for the Grizzly Island Wildlife Area. The West Family Unit would be managed as a Type B wildlife area.

Subsections 551(q)(46)(B), and (F)(Grizzly Island Wildlife Area)(Garibaldi Unit). The existing regulations list the unit as the Cordelia unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit. The regulation would be amended to change the name of the unit to the Garibaldi Unit.

Subsection 551(q)(46)(F)(Grizzly Island Wildlife Area). The existing regulation lists waterfowl hunt days and closures periods for certain units of the wildlife area with the same subject dates in separate sentences. The regulation would be amended to clarify and simplify the language by deleting certain regulatory language and sentences in the regulation and combining the reference language into other existing language that addresses units of the wildlife area managed in the same manner. The existing regulation refers to the “general waterfowl season” which is sometimes confusing to hunters. The regulation would be amended to delete “general” from the language to clarify that waterfowl season now includes special youth hunt days. The existing regulation refers to the use of dogs only during organized field trials, but does not specify when dogs are allowed on the area or are prohibited. The regulation would be amended to clarify when dogs and/or dog training is allowed on the wildlife area. Sight-hounds or coursing dogs would not be allowed because staff have determined they disturb and are detrimental to wildlife. The regulation would prohibit users from bringing dogs onto the wildlife area during the ground nesting bird season, March 1 through June 30. The regulation would be amended to close the Gold Hills, Goodyear Slough, Grey Goose, and West Family Units of the wildlife area, from all public use, except with prior written permission from the area manager, from the end of the waterfowl hunting season to September 30. General unrestricted public access cannot be managed properly with existing staff levels. The regulation would be amended to keep the Island Slough Unit of the wildlife area open to public use, excluding dogs, During the same period of time. Dogs would be excluded from Island Slough because the area is managed to protect the endangered salt marsh harvest mouse. The existing regulation allows boats to be launched from the Grizzly Island Unit of the wildlife area. The regulation would be amended to prohibit launching boats from the unit because the launch area is no longer safe to use. The regulation would be amended to prohibit the use of all terrain vehicles (ATV's) on all units of the Grizzly Island Wildlife Area. Staff have determined that the use of ATV's is detrimental to the sensitive peat soils and related habitats and disturb other public users, particularly during hunting seasons, because of noise the ability to access closed areas.

Subsection 551(q)(60)(A)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Lower Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(A)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Lower Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551(q)(60)(B)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Upper Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(B)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Upper Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551(q)(62)(A)(Little Panoche Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(63)(A)(Los Banos Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take". The regulation would be amended to specify that the use of shotguns and archery equipment is permitted.

Subsection 551(q)(63)(B)(Los Banos Wildlife Area). The existing regulation does not specifically state that when the wildlife area is closed to all general public use, it is also closed to hunting. The regulation would be amended to make it clear that when the wildlife area is closed to all public use, it is also closed to hunting.

Subsection 551(q)(63)(F)(Los Banos Wildlife Area). The existing regulation allows for up to three hunters to enter the Zone 6, 6J, and Mud Slough, hunting units

under one reservation. Comfortable and safe three person blind sites are not always available on a consistent basis, causing confusion among hunters. The regulation would be amended to change and clearly set the number of hunters allowed to enter these blind sites to two hunters in the following combinations: For the Zone 6 unit, two hunters. For Zone 6J, and Mud Slough units, one adult hunter and one junior hunter. The existing regulation is also not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party's will split up and use more than one blind site or area which displaces other hunters. This is unsportsmanlike and causes conflict in the field. The regulation would be amended to make it clear that hunters entering the wildlife area on the same reservation will be assigned to same hunt site.

Subsection 551(q)(63)(G)(Los Banos Wildlife Area). The existing regulation states that the wildlife area is closed to all public uses from September 15 until the opening of waterfowl hunting season. General public users, particularly wildlife viewers, become confused concerning where on the area they are allowed to access during waterfowl season. The regulation would be amended to clearly state that the wildlife area will be closed during the waterfowl and pheasant hunting seasons to all public use, except for controlled hunting. The existing regulation providing for wildlife observation during waterfowl season would not be amended.

Subsection 551(q)(65)(F)(North Gransslands Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party's will split up and use more than one hunt area which displaces other hunters, conflict in the field. The regulation would be amended to add this subsection to make it clear that hunters entering the wildlife area must have a Type A Permit. The regulation would also make it clear that hunters entering the area under one reservation will be assigned to the same hunt site.

Subsection 551(q)(66)(A)(O'Neill Forebay Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment permitted.

Subsection 551(q)(67)(A)(San Luis Reservoir Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment are permitted.

Subsection 551(q)(68)(A)(Volta Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take", and would permit the use of shotguns and archery equipment.

Subsection 551(q)(68)(D)(Volta Wildlife Area). The existing regulation limits camping and trailers to parking at the checking station parking lot during waterfowl season. The regulation would be amended to permit hunters with boat trailers to drive past parking lot 1 to launch their boats during waterfowl and pheasant seasons only. The regulation would also be amended to prohibit hunters from parking or stopping vehicles, except to launch a boat, between designated parking areas on the wildlife area for the purpose of gaining an unfair advantage over other hunters and to prevent disturbing hunters already in the field.

Subsection 551(q)(68)(F)(Volta Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some parties split up and use more than one area which displaces other hunters causing conflict in the field. The regulation would be amended to change the subsection name from "Entry Permits" to "Reservations and Entry Permits", for added clarity. The regulation would also make it clear that hunters entering the area on the same reservation will receive the same hunt site assignment.

Subsection 551(q)(71)(A), (B), (C), (D), (E), (F) and (G)(Hollenbeck Canyon Wildlife Area) would be added to the regulations to increase recreational opportunities for a range of public users by allowing the Department to regulate public uses on the wildlife area. Currently the Department regulates public use on the wildlife area through authority granted to the Regional Manager in Subsection 550(b)(1)(Regional Manager's Authority). The addition of the proposed regulations would allow the Department to establish method of take restrictions on the wildlife area for safety, and would prohibit the use of rifles and pistols, while allowing for the take of upland game birds and resident small game when in season. The regulations would prohibit camping, and fires all year round because of the extreme fire danger conditions that exists in the area. The regulations would also provide for dog training on the wildlife area as set forth in Subsection 550, but would limit the possession and release of birds for dog training to male only ring-neck pheasants, bobwhite quail, mallard ducks with at least one clipped wing, and either sex feral pigeons. The proposed regulations would also permit the Department to designate trails or routes on the wildlife area for equestrian and bicycle access. Possession of paint ball guns and engaging in paint ball related recreational activities would be prohibited on the wildlife area because these activities are not compatible uses on wildlife areas.

Subsection 552(a)(1)(D)(Colusa National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(1)(E)(Delevan National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(4)(B)(Merced National Wildlife Refuge). The existing regulation refers to waterfowl hunting as duck hunting. The regulation would be amended to clarify that waterfowl hunting includes species other than ducks.

Subsection 552(a)(4)(G)(Merced National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some party's split up and use more than one blind site or hunting area displacing other hunters causing conflict in the field. The regulation would be amended to add this subsection making it clear that hunters entering the wildlife area under one reservation will receive the same hunt assignment.

Subsection 552(a)(5)(E)(Sacramento National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.

Subsection 552(a)(6)(C)(San Luis National Wildlife Refuge). The existing regulation restricts pheasant hunting on the Kesterson Unit to the free roam area designated along Highway 140. The regulation would be amended to reflect recent adjustments and changes made to the pheasant hunt program to make it more flexible. This change is necessary to provide needed management discretion in the selection of sites to prepare and maintain as habitat for pheasants. The regulation would also be amended to enable Department to designate hunting areas and days when pheasant hunting will be allowed.

Subsection 552(a)(6)(F)(San Luis National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some parties split up and use more than one blind site or hunting area displacing other hunters which causes conflict in the field. The regulation would be amended make is

clear that hunters entering the wildlife area under one reservation will receive the same hunt site assignment.

Subsection 552(a)(8)(D)(Sutter National Wildlife Refuge). The existing regulation does not allow camping on the refuge. The refuge parking lot and checking station are open to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for the purpose of issuing first-come, first-served numbers to nonreservation hunters. Hunters that arrive the evening prior to the hunt are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.